

DEC 4 1979

MICHAEL H. BAK, JR., CLERK

**In the Supreme Court of the United States****OCTOBER TERM, 1979**

---

**No. 79-478****THE ALMA SOCIETY, INC, ET AL., PETITIONERS****v.****IRVING MELLON ET AL., RESPONDENTS**

---

**ON PETITION FOR A WRIT OF CERTIORARI TO  
THE UNITED STATES COURT OF APPEALS FOR  
THE SECOND CIRCUIT****PETITIONERS REPLY BRIEF**

---

**(PROFESSOR) CRYIL C. MEANS, JR.***In care of Mrs. Stanley Eigenfeld,**17 Chittenden Avenue (apt. 4-E)**New York, N.Y. 10033**(212) 581-1568***BERTRAM E. HIRSCH***76-17 Two Hundred Fiftieth Street**Bellerose, N.Y. 11426**(212) 347-3022**Attorneys for Petitioners.*

---

---

CITATIONS

CASES

Peonage Cases,

123 Fed. 671, 675  
(M.D. Ala. 1903) ..... 6

Robertson v. Baldwin,

165 U.S. 275, 282 (1897) ..... 3

STATUTES

Federal

28 U.S.C. § 1343(4) ..... 3  
42 U.S.C. § 1983 ..... 3, 4

STATE

New York Domestic Relations Law

§ 114 ..... 2  
§ 117 ..... 2

CONGRESSIONAL DEBATES, 1867

Senator Henry Wilson  
(Massachusetts)

39th Cong., 2d Sess. 1571  
(Feb. 19, 1867) ..... 6

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1979

\_\_\_\_\_  
No. 79-478.

THE ALMA SOCIETY, INC., ET AL.,

Petitioners,

V.

IRVING MELLON ET AL.,

Respondents.

\_\_\_\_\_  
ON PETITION FOR A WRIT OF CERTIORARI TO  
THE UNITED STATES COURT OF APPEALS FOR  
THE SECOND CIRCUIT

PETITIONERS' REPLY BRIEF

\_\_\_\_\_

that an adoptee should inherit from but one of his two families — the adoptive rather than the natural — is not unreasonable.

The suits-by-minors scarecrow was exorcised by this Court more than eighty years ago when it read minors out of the Thirteenth Amendment in Robertson v. Baldwin, 165 U.S. 275, 282 (1897), vis-à-vis both their natural parents and their guardians, and the latter expression is doubtless broad enough to cover adoptive parents. Adults, however, enjoy the full protection of the Thirteenth Amendment against all — including all parents, whether natural or adoptive.

## II

The Attorney General of New York also argues:

If petitioners' arguments were accepted, this Court would be authorizing any child to sue his parents for his family history in federal court as a deprivation of his federally secured rights under 42 U.S.C. § 1983 and 28 U.S.C. § 1343(4). A child could sue his parents for his parents' medical history.

(A.G. Br. in Opp. at 9.)

These are non sequiturs. Petitioners have not argued that the Constitution imposes a duty on any parent, natural or adoptive, to reveal

any reasonable showing" (C.A.S. - L.W.S. Jt. Br. in Opp. at 3).

The untruth of this assertion is demonstrated by the following passage in the unpublished decision of May 15, 1973 by Surrogate Midonick (New York County), a Respondent herein:

In the usual case the court would shield from disclosure or inspection the identity of the natural parents, even though good cause appears to provide the adoptee with their medical background; but in this case, the adoptee had been given a copy of her original natural birth certificate in Connecticut where she was born, so that she had this information prior to filing the current petition.

(C.A.S.-L.W.S. Jt. Br. in Opp. at 7a.)

## IV

The Attorney General of New York refrains, wisely, from making an argument which four of the adoption agency Respondents urge, viz.:

the Thirteenth Amendment addresses only servitude by reason of race.

(C.A.S.-L.W.S. Jt. Br. in Opp. at 4; cf. N.Y.F.H.-J.C.A.A. Jt. Br. in Opp. at 18.)

Two of the agency Respondents further argue:

Petitioners' assertion that this cannot be because there were black masters

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Cyril C. Means, Jr.", with a large, stylized initial "C" and a long, sweeping underline.

(Professor) Cyril C. Means, Jr.

In care of Mrs. Stanley Eigenfeld,  
17 Chittenden Avenue (apt. 4-E),  
New York, New York 10033.  
(212) 581-1568.

Bertram E. Hirsch,  
76-17 Two Hundred Fiftieth Street,  
Bellerose, New York 11426.  
(212) 347-3022.

Attorneys for Petitioners.

December 3, 1979.